

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

CARLOS HERNANDEZ and RYAN A.  
EVANS,

Plaintiffs,

v.

PAUL D. GUGLIELMO, dba GUGLIELMO &  
ASSOCIATES,

Defendant.

2:09-cv-0830-LDG-GWF

**ORDER**

Plaintiffs have filed a motion for reconsideration of the portion of the court's March 23, 2012, order (#73) in which it denied defendant's renewed motion for summary judgment and plaintiffs' motion for partial summary judgment based on defendant's bona fide error defense (#74, opposition #76, reply #77). The court has reviewed the points and authorities and determines that plaintiffs' motion is well-taken.

The United States Supreme Court has definitively ruled that the bona fide error defense in the Fair Debt Collection Practices Act ("FDCPA") does not apply to a violation of the Act resulting from a debt collector's incorrect interpretation of the legal requirement of the FDCPA. Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich LPA, 130 S. Ct. 1605, 1611-12 (2010). Similar to this case, Jerman involved debt collection notices not in compliance with FDCPA requirements. Id. at 1608. As plaintiffs point out, the violations that the court determined were committed by defendant here resulted from defendant's mistaken interpretation of the FDCPA's

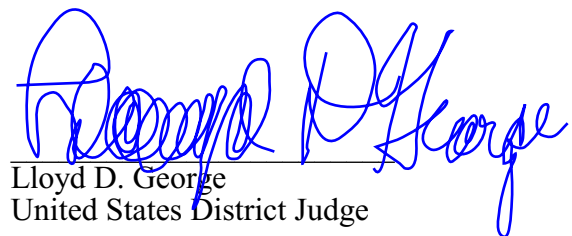
1 requirements pursuant to 15 U.S.C. § 1692g(a). Therefore, defendant cannot maintain a bona fide  
2 error defense in this case. Accordingly,

3 THE COURT HEREBY ORDERS that plaintiffs' motion for reconsideration (#74) is  
4 GRANTED.

5 THE COURT FURTHER ORDERS that plaintiffs' motion for partial summary judgment  
6 (#57) is GRANTED.

7 THE COURT FURTHER ORDERS that, within sixty (60) days from the date of this order,  
8 the parties shall file a status report regarding the damages aspect of this litigation.

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10 Dated this 2 day of October, 2012.

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13 Lloyd D. George  
14 United States District Judge  
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